

TOWN OF WELLESLEY



MASSACHUSETTS

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BOARD OF APPEAL

KATHARINE E. TOY, CLERK
TELEPHONE
WE. 5-1664

Appeal of Samuel Castleman

Pursuant to due notice the Board of Appeal held a public hearing in the Upper Town Hall at 8:00 p.m. on January 10, 1951 on the appeal of Samuel Castleman from the refusal of the Inspector of Buildings to issue a permit to him to build a dwelling at 100 Cedar Street.

Statement of Facts

The Inspector of Buildings under date of December 28, 1950 notified the appellant in writing that a permit for the proposed building could not be granted because the same would violate Section 9-C of the Zoning By-law which requires a 20-foot side yard. On the same date the appellant took an appeal in writing from such refusal, and thereafter due notice of the hearing was given by mailing and publication.

The appellant stated at the hearing that since the last hearing he had acquired certain additional land and was now prepared to move the existing foundation so that it would be twenty feet from the property line on one side and fifteen feet from land owned by the Town on the other side. He stated that the land in question now has a frontage of approximately seventy-four feet. He further stated that he could not acquire additional land from the Town because of the existence of Town services, particularly water and sewerage pipes.

Mrs. Doris A. Polhamus, 94 Cedar Street, objected to the granting of the variance stating that she felt the property would be a fire hazard.

Mr. Angus J. MacNeil, representing the Planning Board, stated that the Planning Board had no objection to granting the variance.

Decision

This matter has been before the Board on several occasions. At one of the earlier hearings it was suggested that the petitioner acquire additional land so that the premises would have property side yards. This has now been done except with respect to the portion of the premises adjacent to land owned by the Town upon which in all probability no building will be erected. It is the unanimous opinion of the Board that a literal enforcement of the side yard requirements would involve a substantial hardship to the petitioner and relief may be granted without substantial detriment to the public good and without substantially deviating from the intent and purpose of the Zoning By-law. Accordingly, the requested variance is granted.

S. W. Leighton
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